

SEP 11 2014

SECRETARY, BOARD OF  
OIL, GAS & MINING

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**BEFORE THE BOARD OF OIL, GAS & MINING  
DEPARTMENT OF NATURAL RESOURCES  
STATE OF UTAH**

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IN THE MATTER OF THE REQUEST FOR  
AGENCY ACTION OF UTAH DIVISION OF  
OIL, GAS, AND MINING FOR A  
CESSATION ORDER AND CIVIL  
PENALTIES AGAINST MONTEZUMA  
WELL SERVICES, INC., AND EARL  
MARTINEZ, OWNER AND OPERATOR OF  
THE MONTEZUMA CREEK WASTE  
DISPOSAL FACILITY, SECTION 14, T 40  
SO., R. 22 EAST, SAN JUAN COUNTY,  
UTAH.

**ORDER OF CONTINUANCE**

Docket No. 2009-015

Cause No. WD-04-2009

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This matter came on for hearing before the Utah Board of Oil, Gas and Mining ("Board") on Wednesday August 27, 2014 at 9:30 a.m. in the auditorium of the Utah Department of Natural Resources Building, 1954 West North Temple, Salt Lake City, Utah. The following Board members were present and participated in the hearing: Ruland J. Gill, Jr. Chairman, Kelly L. Payne, Carl F. Kendell, Susan S. Davis, and Gordon Moon. The Board was represented by Michael S. Johnson, Assistant Attorney General. The matter was set for hearing to further review the Respondent's compliance with the August 25, 2010 Stipulation and Order in this matter.

The Utah Division of Oil Gas and Mining, was represented by Steve Alder, Assistant Utah Attorney General, and Lisha Cordova, Division Compliance Officer, appeared as a witness for the Division. The Respondent did not appear based upon agreement with the Division and without

objection from the Board that a the Division would present a written report documenting the compliance actions since the last hearing and subject to the understanding that Respondents would appear at a subsequent hearing if the Board desired to address any questions.

The Division's witness presented its written report documenting the Respondent's efforts to comply with the 2010 Stipulation and Order, indicated that the Division believed there has been good progress toward full clean-up of the facilities but that the work was not completed at this time, and recommended continuation of the matter for one additional year at which time a further review of compliance should be made by the Board. The Board unanimously approved the motion to continue on those terms

Now Therefore, upon the motion of the Division, based on the testimony and evidence presented and being fully advised, the Board hereby Orders as follows:

1. The hearing of this matter is continued to the August 2015 Board Hearing at which time the Board will review the Respondent's compliance with Board's 2010 Order and take further action as appropriate.
2. At the August 2015 Hearing the Board will accept a written report to be filed on or before August 10, 2015 and hear testimony from the Division without requiring the attendance of the Respondent, unless Respondent is provided written notice from the Board or Division that their attendance is required.

DATED this \_\_\_\_ day of September, 2014.

BOARD OF OIL, GAS AND MINING

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Ruland J. Gill Jr., Chairman

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and correct copy of the foregoing ORDER TO CONTINUE HEARING, for Docket No. 2009-015, Cause No. WD-04-2009 to be mailed with postage prepaid to the address shown and emailed, this \_\_\_\_ day of September 2014, to the following:

Earl Martinez  
Personally and as President  
Montezuma Well Service, Inc.  
P.O. Box 540  
Montezuma Creek, UT 84534

Ernestine Chief  
Montezuma Well Service, Inc.  
P.O. Box 540  
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Sonja F. Wallace  
Environmental Compliance Manager  
Utah School and Institutional Trust Lands  
Administration (SITLA)  
675 East 500 South  
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Michael S. Johnson  
Assistant Attorney Generals  
Counsel for the Utah Board of Oil, Gas, and  
Mining (hand-delivered)